

Section 55

TEXT AMENDMENT AND REZONING CHANGES

Sections:

- 55.010** **Initiation of amendments and changes.**
- 55.020** **Amendments and rezonings; Investigation requirements.**
- 55.030** **Public hearing procedures and requirements.**

55.010 **Initiation of amendments and changes.**

A. The commission may, from time to time, amend, supplement or change this title and the regulation or maps appertaining thereto. An amendment, supplement or change may be initiated by the commission, the planning board or upon petition from an owner of property within the zoning jurisdiction.

B. Whenever the property owner of any land or building desires a reclassification on his property or change in regulations applicable thereto, he may file with the planning department on forms provided for this purpose, a petition duly signed and verified by him requesting an amendment or change of regulations prescribed for such property.

55.020 **Amendments and rezonings; Investigation requirements.**

Upon initiation of an amendment by the commission or the planning board, or upon petition from a property owner, the planning board shall cause to be made an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such petition is consistent with the intent and purpose of this title, including but not limited to a finding that the application complies with the *Gallatin County Plan*.

55.030 **Public hearing procedures and requirements.**

A. The planning board shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard.

B. The planning director shall give public notice of all public hearings to be held before either the planning board or the commission. The notice shall be published at least once in a newspaper published and having general circulation in the zoning jurisdiction, not more than forty-five (45) days nor less than fifteen (15) days prior to the public hearings.

C. The notice shall specify the number, date, time and place of all scheduled public hearings. It shall state the name and address of the applicant, the name and address of the owner of record of the property, and a legal description of the property affected, the street address or its location by approximate distances from the nearest major street or road

intersections so that the property can be easily identified, and a brief statement of the nature of the hearing.

D. In the case of a text amendment the notice shall explain the intent of the change, with reference to the precise text amendment language being available for public review.

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E. In addition to such publication, notice of public hearing shall be posted not more than forty-five (45) days nor less than fifteen (15) days prior to the public hearings, on the site in question as well as on one or more additional locations, visible to the general public, within the affected area.

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F. Such notice shall be sent by mail, not more than forty-five (45) days nor less than fifteen (15) days, to the applicant and owners of record, or their legal representative, of the subject property as well as to the owners of record of all adjacent parcels. Adjacent shall include all parcels across public roads, streets, alleys, watercourses and other public ways, and shall include Montana Department of Transportation if adjacent to a state highway. However, where amendment and changes apply to the entire zoning jurisdiction, mailing of notice of public hearings shall not apply.

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G. *Subsection reserved.*

H. If for some reason a required property owner fails to receive mail notification of a scheduled public hearing, or if one or more of the required posted signs in the area or on the site for which the public hearing is being held, is inadvertently moved through no fault of the county, this in no way shall invalidate the legal notice requirements of the scheduled public hearing.

I. Notice may also be provided to property owners in any additional area that may be substantially impacted by the proposed change or use as determined by the planning director.

J. After such hearing or hearings, the planning board will make reports and recommendations on the petition or initiation to the commission.

K. *Subsection deleted.*

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